

Village President Brolley called the meeting to order at 7:00 p.m. followed by the Pledge of Allegiance.

Roll Call

Trustee Sperling	Yea	Trustee Jungermann	Yea
Trustee Lee	Yea	Trustee Marecek	Yea
Trustee Heinz	Yea	Trustee Bond	Yea

Also present: Administrator Jeff Zoepfel, Attorney Steve Andersson, Chief of Police Daniel Meyers, Deputy Chief Armando Sanders, Attorney Laura Julien, Director of Public Works Todd Hoppenstedt, Director of Finance Justin VanVooren, Director of Community Development Rich Young, Engineer Peter Wallers, Members of the Press and others.

Public Participation

A. Recognition of Festival of Trees Winners

President Brolley stated his appreciation of everyone who participated in the Festival of Trees. He presented Girl Scout Troops #735 and #1642 with the third place certificate and St. Luke's with the second place certificate. Lastly, President Brolley presented Orchard Road Animal Hospital with the first place certificate as well as gift certificate to Rosati's on Orchard Road.

B. Public Comments (Two Minute Opportunity).

Mr. Dave Kennedy of 138 Jefferson Street stated he still has problems with a metallic taste to his water. He asked whether there is a final date when the problem will be resolved and if there has been any progress in regards to the water samples that were taken.

Director Hoppenstedt said he anticipates a resolution by April 1st. He has been working with numerous vendors and EEI to resolve the issue. He believes the addition of polyphosphate at the lime softening plan will be the remedy; however, there are numerous blends and suppliers of various formulas of polyphosphate. The vendor is working on completing the data analysis. There will be a meeting for residents on January 20th at 6 p.m. to discuss water issues. Director Hoppenstedt stated they will hang door hangers on houses in the neighborhood as a reminder.

Consent Agenda

- A. Building Report for December 2015.**
- B. Account Receivable Report for December 2015.**
- C. Accounts Payable through January 11, 2016 in the Amount of \$435,689.66**
- D. Cancellation of the January 19, 2016 Committee of the Whole Meeting.**

E. Ordinance Reducing the Number of Class L Liquor Licenses (Waiver of First and Passage on Second Reading) (South Moon).

Trustee Jungermann moved to approve items A-E on the Consent Agenda. Trustee Marecek seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Jungermann, Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz voting yea.

Items for Separate Action

A. Ordinance 1707 Authorizing and Granting a Franchise to Northern Illinois Gas Company (First Reading)

Director VanVooren reported that Nicor and the consortium have agreed to a new franchise agreement. He summarized some of the changes in the new document, including an annual meeting and compensation of some type. He stated this has been presented to Nicor and Nicor is looking for the Board to approve this.

Trustee Bond asked what would occur at the annual meeting. Director VanVooren stated that one item would be a discussion regarding the capital improvement plans as well as looking at the following years to see what they would be doing in the area and any issues that are going on in the community. Trustee Bond asked if staff has noted any deficiencies that need to be addressed at this annual meeting. Director VanVooren stated not at this time.

Trustee Sperling asked if compensation will be decided upon by the next time this comes to the Board. Director VanVooren stated the Village would not have to decide on that until March 1st.

This was a first reading; therefore, there was no action on this item.

B. Recommendation of the Plan Commission on PC 2016-001 Z 2016 Zoning Map Update.

Director Young gave an overview of this item, stating there are seven changes from the previous year's map.

Trustee Marecek moved to approve the Recommendation of the Plan Commission on PC 2016-001 Z 2016 Zoning Map Update. Trustee Bond seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz, Trustee Jungermann voting yea.

C. Ordinance 1709 Approving the Official Zoning Map for the Village of Montgomery (First Reading)

President Brolley stated this item will be on the consent agenda at the next meeting.

D. Recommendation of the Plan Commission on PC 2016-004 FP Final Plat for Fuller's Car Wash.

Director Young gave an overview of this item.

Trustee Jungermann asked which lots they are proposing to combine. Director Young stated that the facility will be on both lots and the consolidation is needed for the sale of the property. Trustee Jungermann asked if these particular lots are the second and third lots south of Rt. 30. Director Young stated that he believes they are the third and fourth lots. Director Young verified that Lot 10, south of Rt. 30, is part of the shopping center that exists now. He then stated that Lot 19 and Lot 20 would still be available.

Trustee Marecek asked for clarification on the access road. Director Young stated that the access road is between lot 19 and lot 20. Trustee Marecek asked if this would have access to Orchard Road. Director Young stated that neither lot will have access to Orchard Road.

Trustee Lee stated he believes it is an ideal location due to the road that leads out to the light. He is also pleased to see the car wash going in.

President Brolley noted that recommendation and ordinance are for the final plat; however, the document they have before them is a preliminary plat. President Brolley questioned if they will be submitting the final plat before the Board approves the ordinance. Director Young stated that he believes they will.

Trustee Marecek moved to **approve the Recommendation of the Plan Commission on PC 2016-004 FP Final Plat for Fuller's Car Wash.** Trustee Jungermann seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz, Trustee Jungermann voting yea.

E. Ordinance 1692 Approving the Final Plat for Fullers Montgomery Subdivision (First Reading)

President Brolley stated that this is first reading and will be added for discussion at the next meeting.

F. Recommendations of the Plan Commission on PC 2016-005 SU Special Use for Outdoor Storage and Alternative Surfaces Located at 900 Knell Road.

Director Young gave an update on this item. He stated that ATMI wishes to use the CenterPoint property along Rt. 31 for a special use for outdoor storage. They sell concrete precast panels and need temporary storage as the panels are produced.

He stated the storage yard includes a gravel surface at this time and they are looking to expand the use to have a number of different panels in the yard. There are two components, one being the special use for outdoor storage, and as a part of the special use to use an unpaved surface with the approval of the Village Engineer. The second is a variance due to the regulations which call for a 250 foot setback for any unpaved surface to the right-of-way line. Director Young stated that a portion of

the lot is within the 250 feet that would make up the setback and the applicant wishes to include that property as a part of the overall storage yard.

They looked into this earlier due to a possible dust issue and mud and debris that could be carried out into the roadway. He stated that currently there is an 8 foot high chain link fence and the facility would include an overhead crane for loading and unloading the precast concrete panels. The overall stackable height is 15 feet. The surface would need to be approved by the Village Engineer and there is a landscaping plan included that adds trees along Rt. 31 to further buffer.

Lastly, he stated that access to the storage yard is by way of Ashland Avenue and there is no direct access to Rt. 31. The Plan Commission made a recommendation to approve the special use. The Plan Commission recommended that the Board approve the variance also; however, staff recommends the variance request not be approved

Trustee Marecek asked if the material is crushed limestone. Village Engineer Peter Wallers said that they are working to finalize the material.

Trustee Lee said he appreciates staff following the ordinance and acknowledged that because of the angle of the property some of it is not 250 feet. He also detailed other businesses that have similar situations. He stated that this may be against the new ordinance; however, this is an industrial area and he believes that is where the Plan Commission is coming from.

Trustee Jungermann stated he would vote to approve this, and asked for an update on Aurora Tree Service. Director Young stated that a few years ago, Aurora Tree Service was granted a five-year special use which was approved with certain conditions. They have met some conditions and have not met others; the temporary special use will run through February of 2017. Director Young also gave a history regarding the ordinance. Trustee Lee stated that he believes that this company will maintain the surface and believes it is for a different use which is important to consider.

Trustee Jungermann asked if the Village is also accepting roadway grindings for the surface. Village Engineer stated that they have not eliminated that from consideration. He stated that using recycled asphalt products is done quite often and they would like to spend some time to make sure that it functions the way they want over a long period of time.

Trustee Heinz asked if there was a special use for the mulch for JPC. Director Young stated that there was a special use granted for tree processing in 2013.

President Brolley thanked the staff for bringing this forward to the Board. He stated that he is not concerned regarding the storage of concrete panels.

Trustee Lee moved to **approve the Recommendations of the Plan Commission on PC 2016-005 SU Special Use for Outdoor Storage and Alternative Surfaces Located at 900 Knell Road.** Trustee Marecek seconded this motion.

5 Yea. 1 No. Motion carried. Trustee Lee, Trustee Jungermann, Trustee Marecek, Trustee Bond, Trustee Sperling voting yea. Trustee Heinz voting no.

G. Ordinance 1708 Granting a Special Use in the Village of Montgomery (First Reading)

Director Young reviewed this item.

Trustee Lee stated the Mr. Phillipchuck mentioned at the Plan Commission meeting that the majority of the time they are the only ones that utilize Ashland Avenue. Trustee Lee stated his concerns regarding the condition of the road and the weight that will be on the road. He further stated that he does not want the residents of Montgomery to pay for the repairs that may arise in a few years due to the weight on the road. Trustee Lee also stated that he would like to see the holes that are in the road to be fixed due to the road being concrete but patched with blacktop.

Mr. Phillipchuck stated that right now they use trailers with one panel on them and have done this for about ten years. Trustee Lee stated that the plan is to bring more in and the traffic will increase into the storage center. Engineer Wallers agreed that Ashland is not in great shape and when they ran the analysis during the last road study, it was listed in fair condition. He said with or without extra traffic it will start to decay faster due to the condition that it is in. He also stated that currently it is not in the Village's five year plan for repair, mainly because when they adopted the plan, there was little traffic on that road. If there is a possibility of more movement on that roadway, it might be worth looking at again. He then reviewed what the plan might look like to fix the road. Prior to the next meeting his staff can put together some strategies that could be used for the Board to look at.

President Brolley stated that this is a public road and it is the Village's job to maintain the road. This item will be on discussion at the next meeting.

H. Recommendation of the Zoning Board of Appeals on 2016-006 V Alternative Surfaces Setback Variance – ATMI Precast, Inc.

Director Young gave an overview of this item. Trustee Marecek stated he appreciates the landscaping as it will create a nice buffer.

The Board had discussion on the length of the set-back. Mr. John Phillipchuck from ATMI stated that they are about 43 feet shy of the 250 foot required for the setback. He stated that if any material is deposited, that it would be cleaned up prior to the vehicles hitting Rt. 31.

Trustee Jungermann asked Engineer Wallers if there is any concern with oversized loads or heavy loads. Engineer Wallers stated that every time an overweight permit comes in, it is reviewed so they do not have that going on all the time and, yes, it would be a concern.

President Brolley stated he appreciates the explanation regarding the possibility of debris being kicked up. Mr. Phillipchuck stated that the vehicles move slowly, and they have also looked at the recycled product due to it being more dust free. He further stated they are also proposing a product

called Dustless that is an application for dust control and they are cognizant of that and they do have equipment to clean the street if there is an issue.

Trustee Lee moved to **approve the Recommendation of the Zoning Board of Appeals on 2016-006 V Alternative Surfaces Setback Variance – ATMI Precast, Inc.** Trustee Jungermann seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Lee, Trustee Heinz, Trustee Jungermann, Trustee Marecek, Trustee Bond, Trustee Sperling voting yea.

I. Ordinance 1710 Granting a Variance to the Setback Requirements for Alternative Surfaces (First Reading)

Director Young gave an overview of this item. This is a first reading and will be on the agenda for discussion at the next meeting.

J. Accounts Payable through December 23, 2015 in the Amount of \$436,661.42.

Trustee Heinz stated concerns regarding the BJ Wolf bill because he believes the company used the Village's equipment. Director Hoppenstedt clarified that the business did not utilize the Village's equipment. The original memo did not indicate there would be a third party involved; however, as they got closer to the winter season, taking into account all the other jobs Public Works staff needed to do, he made the decision to contract that portion out. Trustee Heinz clarified the final price was over the amount approved by the Board.

President Brolley asked for specifics on work that BJ Wolf completed. Director Hoppenstedt stated that they completed the drain system and the foundation and they did not use the Village's equipment. Trustee Lee asked how much the concrete costs. Director Hoppenstedt stated it was close to \$2,000, and there was electrical work involved as well.

President Brolley reviewed that the Village planned on completing this, prioritized the staff, and contracted out to complete this work when staff was needed in other locations.

Trustee Marecek stated that the \$8,500 over budget is a significant percentage and the Board was not notified of the increase. Trustee Heinz clarified whether or not that the concrete cost is part of the \$8,500. Director Hoppenstedt stated that it is part of the \$8,500.

President Brolley stated that \$9,000 is within the Village Administrator's authority to approve. He further stated that this was a Board priority project after the budget was approved and the staff saw that was installed prior to the spring.

Trustee Heinz stated that he believes that this should have been brought before the Board prior to being approved. Trustee Lee stated that there was not a meeting in December to do that.

President Brolley requested that if there is a change order he would like to see it come before the Board or the Board notified; however, if it is under the \$20,000 limit it is not required by ordinance to do that. Trustee Jungermann requested that it be put in the notes to notify the Board.

Trustee Lee moved **to approve the Accounts Payable through December 23, 2015 in the Amount of \$436,661.42 including the bill for BJ Wolf for \$8,580.** Trustee Sperling seconded this motion.

4 Yea. 2 No. Motion carried. Trustee Lee, Trustee Jungermann, Trustee Bond, Trustee Sperling voting yea. Trustee Heinz and Trustee Marecek voting no.

Items for Discussion

A. Infrastructure Road Program

Engineer Wallers updated the Board on the Infrastructure Road Program. They have begun accepting bids and are looking to bring it to the Board for award at the Feb. 22nd meeting. They will execute the contract at the end of March and the approximate start date would be mid-April or May 1st depending on weather.

Engineer Wallers stated they are including a patching program for water main breaks and the funding source would be the water fund. However, they felt they could get a better pricing and the interim deadline for that needs to be done by June 1st. They intend to have the project complete by Aug. 5th, which would be prior to Montgomery Fest. Also, on March 4th they will be bidding the Briarcliff Road project through the Illinois Department of Transportation due to it being federally funded. Lastly, he believes that early bidding can save the Village money. He also gave the Board a list of streets they are targeting for repairs.

Engineer Wallers stated that there might be extra costs and he expects the pricing in the report may not be the same that is in the bid. They will do a detailed cost estimate prior to bidding to have the document to review. The main goal is to stay on schedule; get bids out early, and do the work to get the streets repaired correctly.

Engineer Wallers stated that they are including some alley work due to poor drainage in the alleys. They will bid to do the alleys conventionally but also thought it would be an opportunity for them to bid an alternate project using porous pavement. They will take an alternate bid to excavate the alleys and put back open graded stone and porous asphalt which should improve the drainage in the alleys and improve the water quality. Lastly, he stated they will bid it as an alternative so that Board can see what the pricing comes out to be and make a final decision.

Trustee Lee asked EEI to contact the residents that utilize the alleys a month prior to the work being started. Engineer Wallers said they will contact those involved and if there is specific need they can work with the residents. He further stated that in the past they have hosted a meeting and contacted the residents as they get closer to the start dates.

Trustee Marecek asked when they do the roads, if the signs will go up regarding the referendum funds. Engineer Waller stated they have ordered more signs and they will be distributed to several locations. He will provide a map to the Board. The signs will stay at the perimeters of the project; they also are trying to cluster the work in an area to keep staging at a minimum.

Trustee Bond asked if there would be opportunity for grant support for the pervious material. Engineer Wallers stated that in the past they have tried for grants and have not been successful. He can look into it again, and it still might be cost effective given what they are trying to accomplish, which is improving the drainage.

New or Unfinished Business

Trustee Heinz stated that a resident is concerned regarding leaf pick-up. Director Hoppenstedt stated the leaves in that area were picked up the Wednesday prior to Thanksgiving and that street was serviced three times and that area has been contacted.

Trustee Sperling stated that next week the Rotary Club is partnering with Heartland Blood Centers for a blood drive which will be hosted at Village Hall on Tuesday, January 19th from 3:30-7:30pm. The website where you can set up an appointment and look at requirements is www.heartlandbc.org.

Future Meetings

- A. **Committee of the Whole Meeting – Tuesday, January 19, 2016 at 7:00 p.m. (Canceled)**
- B. **Intergovernmental Meeting – Monday, January 25th, 2016 at 6:00 p.m.**
- B. **Village Board Meeting – Monday, January 25, 2016 at 7:00 p.m.**

Executive Session – 8:24 pm. – 8:34

- A. **To Discuss the Minutes of Meetings for the Purposes of Approval by the Body of the Minutes as Mandated by Section 2.06 Pursuant to 5 ILCS 120/2 (c) (21).**
- B. **To Discuss the Employment of an Employee Pursuant to 5 ILCS 120/2(c) (1).**

Trustee Bond moved to adjourn to Executive Session **to Discuss the Minutes of Meetings for the Purposes of Approval by the Body of the Minutes as Mandated by Section 2.06 Pursuant to 5 ILCS 120/2 (c) (21) and to Discuss the Employment of an Employee Pursuant to 5 ILCS 120/2 (c)(1).**

Trustee Jungermann seconded the motion.

6 Yea. 0 No. Motion carried. Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz, Trustee Jungermann, Trustee Marecek voting yea.

Report on Closed Session Minutes

Attorney Steve Andersson gave a detailed overview of this item. He detailed they have reviewed all the minutes and the Village attorneys are recommending the release of 112 separate executive session minutes from 25 years' worth of executive session meeting minutes.

Trustee Marecek moved **to approve the Release of 112 Executive Session Minutes as presented by the Village Attorney.** Trustee Jungermann seconded this motion.

6 Yea. 0 No. Motion carried. Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee, Trustee Heinz and Trustee Jungermann voting yea.

Adjournment: 8:37 p.m.

Seeking no further business to come before the Board, it was moved by Trustee Heinz and seconded by Trustee Jungermann to **adjourn the meeting.**

6 Yea. 0 No. Motion carried. Trustee Heinz, Trustee Jungermann, Trustee Marecek, Trustee Bond, Trustee Sperling, Trustee Lee voting yea.

Respectfully submitted,

Tiffany Francis
Village Clerk